

**SAYS BRICK TRUST EXISTS**

Information Is Filed Against  
Greater New York Company.

**CITY'S TRADE IN ITS GRASP**

Arrest of Officers and Members  
May Follow First Hearing  
of Case Friday.

An information alleging that the Greater New York Brick Company, of No. 106 Park Avenue, of which State Senator John B. Rose is president, is a conspiracy in restraint of trade and commerce was filed with Magistrate Freschi in the Yorkville court yesterday by Millard H. Ellison, an Assistant District Attorney, to whom the investigation into the so-called brick trust was turned over by District Attorney Whitman. Magistrate Freschi will hold his first hearing Friday afternoon and will issue subpoenas duces tecum for the books and records of the company.

If the evidence justifies it at the close of the hearings Mr. Ellison will ask that warrants be issued for the officers and members of the company who are implicated in the "conspiracy" by the evidence adduced at the hearings. The information is sworn to by Francis M. Weeks, president of the building and contracting firm of D. C. Weeks & Son, of No. 122 Broadway. The inquiry will determine whether, in violation of Section 30 of the business law, the purchase and sale of "a commodity of common use" are restricted and prevented by the persons named in the information and whether those persons "conspired together to commit an act injurious to trade and commerce, in violation of Section 30 of the penal law."

It is alleged that most of the manufacturers of North River brick, the brick most generally used in this city, combined between January and June, 1911, and organized the Greater New York Brick Company. They did this, the information continues, to obtain a monopoly of the brick business, and so far succeeded that they control more than 90 per cent of the trade in this city. The number of North River brick used here annually is estimated at more than \$100,000.

The information alleges that the price at which manufacturers sell brick in New York is fixed by the Greater New York Brick Company and that the same company fix the quantity which any manufacturer shall put on the market in any given period. Members of the company, it is alleged, refused to sell brick except at the price named by the company and agreed to limit their output to the quota allowed by the company, although by so doing they were producing far below their capacity.

The Greater New York Brick Company was incorporated June 19, 1911, with an authorized capital stock of \$100,000. It deals in all kinds of building materials, acts as agent for other dealers, trades in coal, coke and wood and charters and owns steamboats, barges and other craft used in its varied business.

Its officers are as follows: John B. Rose, president; Aaron E. Aldridge, vice-president; Robert Main, treasurer, and Frank De Noyelles, secretary. The executive committee is composed of Everett Fowler, Luden H. Washburn, Harry J. Jova, Aaron E. Aldridge, Alonso Rose, Henry R. Brigham, Conrad F. Sudderley, Robert Main and George W. Washburn. The names of the firms, corporations and individuals who are members take up three typewritten pages of the information.

John B. Rose, the president of the company, is also head of the John B. Rose Brick Brokerage Company, at No. 655 West 113th street, president of the Rose Brick Company of Roseton, N. Y., and president and director of many other manufacturing firms. The John B. Rose Company, of New York, is credited with handling 500,000,000 brick annually.

**LACKAWANNA ROAD GUILTY**

Criminally Violated Hepburn Act

—Fined \$2,000.

Buffalo, March 19.—The Delaware, Lackawanna & Western Railroad was found guilty to-day in the United States District Court of violating the commodities clause of the Hepburn act and was fined \$2,000. The company was indicted on twenty counts and faced a maximum penalty of \$10,000, the charge being that it shipped free from Buffalo to Scranton a quantity of hay to be used in feeding mules in its mines.

Counsel for the defendant announced that an appeal would be taken to the Supreme Court of the United States to test the constitutionality of the penal feature of the commodities clause.

Washington, March 19.—The case against the Delaware, Lackawanna & Western was the first criminal prosecution ever instituted against a railroad for violation of the commodities clause of the act to regulate Interstate commerce. The Interstate Commerce Commission was notified at once of the result. The prosecution arose out of the fact that the hay was not used by the railroad company in the conduct of its business as a common carrier, but in its business as a miner of coal.

In the view of the commission the action of the court at Buffalo to-day means that eventually there must be a separation of the transportation and the mining operations of the Lackawanna as well as of other railroads similarly engaged. They will not be permitted under the law to transport any commodities, except lumber, which is expressly mentioned in the act, for use in mines unless the regular transportation charges are paid.

**MORE TOBACCO BONUSES**

Weyman-Brunton Company Provides for President and Vice-Presidents.

The stockholders of the Weyman-Brunton Company at a special meeting yesterday approved the proposed change in the by-laws providing that the president of the company shall receive 5 per cent and the two vice-presidents 2½ per cent each of an aggregate 10 per cent bonus to be taken from the excess net profits for 1912, should there be any, over the year 1910 as a basis. Similar action has been already taken by the stockholders of the American Tobacco Company, the American Snuff Company, the Liggett & Myers Tobacco Company and the P. Lorillard Company.

The Weyman-Brunton Company reports net earnings for the month of December, the first month of the company's independent operation, of \$77,454. The financial statement shows total assets of \$5,525,479. The officers of the company are Jonathan Peterkin, president; John H. Bowers and B. E. Wright, vice-presidents, and Hunter Brooke, Jr., secretary and treasurer.

**HARRIMAN BANK'S GROWTH**

To Celebrate To-day First Anniversary Under National Charter.

The Harriman National Bank will celebrate to-day its first anniversary under its national charter, with deposits in excess of \$10,000,000 at the opening of business, as against \$4,000,000 this day a year ago. In the early part of the year the capital and surplus of the bank were increased to approximately \$12,000,000, and today its resources now approximate a remarkable growth of Fifth avenue as a business and financial centre.

**THEY WERE UNARMED AND INNOCENT**  
In the New York Stock Exchange yesterday, the shares of five leading banks being traded in, and the transactions totaling \$11,000,000, the stock of the National

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LOVETT BACK AT DESK

Says He Found Harriman Lines in Excellent Condition.

**BUSINESS GOOD IN WEST**

Thinks Railroads Will Derive Benefit Rather than Loss from Panama Canal.

Robert S. Lovett, chairman of the executive committee of the Harriman system, was at his office yesterday for the first time since his return last Saturday from the inspection trip over the various lines of the system that he made in company with the executive heads of the Union and Southern Pacific roads.

He said he found the roads in excellent physical condition, and that so far as the Southern Pacific was concerned it was in good shape as at any previous period in its history. If not better. The Union Pacific lines were tied up somewhat by snowfall at the time of his visit, he said, but had been assured by the officers of the company that the condition of the road was encouraging.

"Ordinarily, maintenance means keeping up the properties," he added. "Our policy for years has been for a high standard of improvement. Nearly a year ago we began to reduce somewhat the scale of our expenses, but only to a moderate extent, our purpose being still to maintain full efficiency. I found, however, that with this reduction in our maintenance expenses the improvement was being fully kept."

Judge Lovett said that the crop outlook throughout the West was good and sentiment was more cheerful. "If good feeling toward each other, rather than hatred and ill-will, shall become the popular doctrine," he remarked, "we shall have as good times in this country as we have ever known."

Asked what effect he thought the opening of the Panama Canal would have upon transcontinental railroad traffic, Judge Lovett replied that was a question no one could answer definitely at present, but that he believed the chief loss to the railroads would be on freight from Europe destined for the Pacific Coast. This, he said, would be carried there direct by steamers by way of the canal. Instead of, as at present, being landed at Atlantic and Gulf ports and shipped across the continent on the railroads.

The railroads, however, he added, would continue to do a considerable transatlantic traffic, and what they lost on European shipments would be more than made up, he thought, through the building up of the Pacific Coast that was certain to result from the opening of the canal.

**RAILROAD GETS A NEW TRIAL**

Long Island Co. to Press Fight Over Removal of Brooklyn Tracks.

Albany, March 19.—A new trial was ordered to-day by the Court of Appeals in the action brought by the Long Island Railroad Company to restrain the New York City officials from removing its tracks on Atlantic avenue, Brooklyn. The company lost in the lower courts.

In another decision the Court of Appeals held that the Long Island Railroad Company had exceeded its rights in encroaching upon Hamilton street, 4th Ward, Queens County, by constructing its tracks thereon.

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**FOR 5TH AVENUE IMPROVEMENT.**

The committee appointed by Borough President McAneny for the improvement and development of Fifth avenue is expected to submit to him to-day a preliminary report with drawings and photographs illustrating the committee's suggestions.

The committee consists of Arnold W. Brunner, chairman; Joseph S. Anselbach, George H. Holman, Dr. George F. Kunz and Robert Grier Cooke.

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